



ABSTRACT

Disaster Management Act, 2005 – COVID-19 – Extending restrictions in the territorial jurisdictions of the State of Tamil Nadu till 24:00 hrs of 31.03.2021 with guidelines and relaxations – Notification – Issued

REVENUE AND DISASTER MANAGEMENT (DM-IV) DEPARTMENT

G.O. (Ms) No. 318

Dated: 28.02.2021

சார்வரி, மாசி 16
திருவள்ளூர் ஆண்டு, 2052

Read:

1. G.O.Ms.No.152, Health and Family Welfare (P1) Department, dated 23.03.2020
2. Ministry of Home Affairs, Government of India Order No. 40-3/2020-DM-1(A), dated 25.03.2020.
3. G.O.(Ms)No.172, Revenue and Disaster Management (D.M.II) Department, dated:25.03.2020 and addendums issued thereon.
4. G.O.(Ms)No.193, Revenue and Disaster Management (D.M.II) Department, dated 15.04.2020
5. G.O.(Ms)No.198, Revenue and Disaster Management (D.M.II) Department,, dated 20.04.2020.
6. G.O.(Ms)No.217 Revenue and Disaster Management (DM II), Department, dated:03.5.2020 and amendments issued thereon.
7. G.O.(Ms)No.245 Revenue and Disaster Management (DMII), Department, dated:18.05.2020 and amendments issued thereon.
8. G.O.(Ms)No.262 Revenue and Disaster Management (DM- II), Department, dated:31.05.2020.
9. GO.Ms.No.299 Revenue and Disaster Management (DM II), Department, Dated: 16.6.2020.
10. GO.Ms.No.305, Revenue and Disaster Management (DM II), Department, Dated: 17.6.2020.
11. GO.Ms.No.314, Revenue and Disaster Management (DM II), Department,Dated : 22.6.2020
12. GO.Ms.No.324, Revenue and Disaster Management (DM II), Department, Dated: 30.06.2020 and amendments issued thereon.

13. GO.Ms.No.396, Revenue and Disaster Management (DM II), Department, Dated: 31.07.2020 and amendments issued thereon.
14. GO.Ms.No.447, Revenue and Disaster Management (DM-IV), Department, Dated: 31.08.2020 and amendments issued thereon.
15. G.O. Ms.No.541, Revenue and Disaster Management (DM IV), Department, Dated:30.09.2020 and amendments issued thereon.
16. G.O. Ms.No.613, Revenue and Disaster Management (DM IV), Department, Dated : 31.10.2020 and amendments issued thereon.
- 17.G.O. Ms.No.673, Revenue and Disaster Management (DM IV), Department, Dated: 30.11.2020 and amendments issued thereon.
- 18.G.O. Ms.No.820, Revenue and Disaster Management (DM IV), Department, Dated : 31.12.2020 and amendments issued thereon
- 19.G.O. Ms.No.84, Revenue and Disaster Management (DM IV), Department, Dated: 31.1.2021.
- 20.From the Government of India, Ministry of Home Affairs, Order No. 40-3/2020/DM/1(A), dated 26.2.2021
- 21.From the Additional Chief Secretary/Commissioner of Revenue Administration, letter No. OCI/563/2020, Dated 27.2.2021

NOTIFICATION

WHEREAS on considering the recommendations of the expert team of Doctors and Public Health Specialists and based on the directives of Government of India, Ministry of Home Affairs, State-wide lockdown was extended from time to time and lastly extended till 24:00 hrs of 28.2.2021 under the Disaster Management Act, 2005 in GO.Ms.No.84, Revenue and Disaster Management (DM-IV) Department, dated 31.1.2021 with various relaxations and certain restrictions.

2. The Government of India, Ministry of Home Affairs, in its order twentieth read above directs that guidelines for surveillance, containment and caution, issued vide Ministry of Home Affairs' Order of even number dated 27th January 2021, will remain in force upto 31st March 2021.

3. In pursuant of the above orders of the Ministry of Home Affairs, Government of India, the Additional Chief Secretary/ Commissioner of Revenue Administration has stated that necessary orders may be issued by the Government for the extension of the lockdown throughout the State till 24:00 hrs of 31.03.2021 in order to contain the spread of COVID-19 effectively.

4. Now, therefore the Government of Tamil Nadu hereby order to extend the State-wide lockdown till 24:00 hrs of 31.3.2021 under the Disaster Management Act, 2005 with various relaxations ordered in G.O. Ms.No.217, Revenue and Disaster Management (DM II), Department, dated 03.05.2020., G.O.Ms.No.245, Revenue and Disaster Management (DM -II), Department, dated 18.05.2020., G.O.Ms.No.324, Revenue and Disaster Management (DM II), Department, dated 30.6.2020., G.O.Ms.No.396, Revenue and Disaster Management (DM II), Department, dated 31.7.2020., G.O.Ms.No.447, Revenue and Disaster Management (DM-IV) Department, dated 31.08.2020., G.O.Ms.No.541, Revenue and Disaster Management (DM-IV) Department, dated 30.09.2020., G.O.Ms.No.613, Revenue and Disaster Management (DM-IV) Department, dated 31.10.2020., G.O.Ms.No.673, Revenue and Disaster Management (DM-IV) Department, dated 30.11.2020., G.O.Ms.No.820, Revenue and Disaster Management (DM-IV) Department, dated 31.12.2020., G.O.Ms.No.84, Revenue and Disaster Management (DM-IV) Department, dated 31.1.2021 with the existing restrictions.

I. The following activity shall continue to remain prohibited until further orders, during the lockdown period throughout the State till 24:00 hrs of 31.3.2021.

All international air travel of passengers, except for purposes as permitted by MHA remain prohibited.

II. COVID appropriate behaviour

The District administration shall take all necessary measures to promote COVID-19 appropriate behaviour and ensure wearing of face masks, hand hygiene and social distancing.

III. Surveillance and Containment

Containment Zones, if required shall be carefully demarcated by the district authorities, at the micro level, taking into consideration the guidelines prescribed by the Ministry of Health and Family Welfare (MoHFW) in this regard. Within the demarcated Containment Zones, containment measures, as prescribed by MoHFW, shall be scrupulously followed.

IV. It shall be the responsibility of local district, police and municipal authorities to ensure that the prescribed Containment measures are strictly followed. The District administration shall ensure accountability of the officers concerned in this regard.

V. Strict adherence to the prescribed Standard Operating Procedures(SOPs):

Standard Operating Procedures (SOPs) as updated from time to time, have been prescribed for various activities. These include movement of passenger trains; air travel; metro trains; schools; higher educational institutions; hotels and restaurants; shopping malls, multiplexes and entertainment parks; yoga centres and gymnasiums etc. These SOPs shall be strictly enforced by the district authorities concerned, who shall be responsible for their strict observance.

VI. Protection of vulnerable persons

Persons above 65 years of age, persons with co-morbidities, pregnant women, and children below the age of 10 years are advised to take necessary precautions.

VII. Use of AarogyaSetu

Use of AarogyaSetu may continue on best effort basis on compatible mobile phones. This will facilitate timely provision of medical attention to those individuals who are at risk.

VIII. National Directives for COVID-19 Management

1. **Face coverings:** Wearing of face cover is compulsory in public places; in workplaces; and during transport.
2. **Social distancing:** Individuals must maintain adequate distance in public places.
Shops will ensure physical distancing among customers.
3. **Spitting in public places** will be punishable with fine, as may be prescribed by the State, local authority in accordance with its laws, rules or regulations.

Additional Directives for work places

4. **Staggering of work/ business hours** will be followed in offices, work places, shops, markets and industrial & commercial establishments.
5. **Screening & hygiene:** Provision for thermal scanning, hand wash or sanitizer will be made at all entry points and of hand wash or sanitizer at exit points and common areas.
6. **Frequent sanitization** of entire workplace, common facilities and all points which come into human contact e.g. door handles etc., will be ensured, including between shifts.
7. **Social distancing:** All persons in charge of work places will ensure adequate distance between workers, adequate gaps between shifts, staggering the lunch breaks of staff, etc.

IX. Penal provisions

The District administration shall strictly enforce the above measures. For the enforcement of social distancing, district administration as far as possible, use the provisions of Section 144 of the Criminal Procedure Code (CrPC) of 1973. Any person violating these measures will be liable to be proceeded against as per the provisions of Section 51 to 60 of the Disaster Management Act, 2005, besides legal action under Section 188 of the IPC, and other legal provisions as applicable. Extracts of these penal provisions are at **Annexure I.**

(By order of the Governor)

**RAJEEV RANJAN
CHIEF SECRETARY TO GOVERNMENT.**

To

The Works Manager, Government Central Press, Chennai- 600 079.
(for publication in the Tamil Nadu Government Extraordinary Gazette dated 28.02.2021)(50 copies)

All Additional Chief Secretaries, Principal Secretaries and Secretaries to Government, Secretariat, Chennai -09.

The Additional Chief Secretary/Commissioner of Revenue Administration, Disaster Management, Chepauk, Chennai-05.

The Commissioner, Greater Chennai Corporation, Chennai -600003

All District Collector / District Judges/ District Magistrates.

The Registrar General, High Court of Madras, Chennai-104.

The Registrar, Madurai Bench of Madras High Court, Madurai.

All Constitutional / Statutory Bodies including

All State Corporation, Local Bodies, Boards, Universities, Commissions, Companies, Institutions, Societies, etc.

The Accountant General, Chennai-18.

The Commissioner of Treasuries and Accounts, Chennai-35.

All Pay and Accounts Officers /District Treasury Officers.

Copy to:

The Hon'ble Chief Minister Office, Chennai-09.

The Special PA to Hon'ble Minister for Revenue and Disaster Management and Information Technology, Chennai-09.

The Private Secretary to Chief Secretary to Government, Chennai-9.

//Forwarded//By Order//


28/2/21
SECTION OFFICER

Annexure-I**Offences and Penalties for Violation of Lockdown Measures****A. Section 51 to 60 of the Disaster Management Act, 2005**

51. Punishment for obstruction, etc.—Whoever, without reasonable cause--

(a) obstructs any officer or employee of the Central Government or the State Government, or a person authorized by the National Authority or State Authority or District Authority in the discharge of his functions under this Act; or

(b) refuses to comply with any direction given by or on behalf of the Central Government or the State Government or the National Executive Committee or the State Executive Committee or the District Authority under this Act,

shall on conviction be punishable with imprisonment for a term which may extend to one year or with fine, or with both, and if such obstruction or refusal to comply with directions results in loss of lives or imminent danger thereof, shall on conviction be punishable with imprisonment for a term which may extend to two years.

52. Punishment for false claim.—Whoever knowingly makes a claim which he knows or has reason to believe to be false for obtaining any relief, assistance, repair, reconstruction or other benefits consequent to disaster from any officer of the Central Government, the State Government, the National Authority, the State Authority or the District Authority, shall, on conviction be punishable with imprisonment for a term which may extend to two years, and also with fine.

53. Punishment for misappropriation of money or materials, etc. —Whoever, being entrusted with any money or materials, or otherwise being, in custody of, or dominion over, any money or goods, meant for providing relief in any threatening disaster situation or disaster, misappropriates or appropriates for his own use or disposes of such money or materials or any part thereof or willfully compels any other person so to do, shall on conviction be punishable with imprisonment for a term which may extend to two years, and also with fine.

54. Punishment for false warning.—Whoever makes or circulates a false alarm or warning as to disaster or its severity or magnitude, leading to panic, shall on conviction, be punishable with imprisonment which may extend to one year or with fine.

55. Offences by Departments of the Government.-(1) Where an offence under this Act has been committed by any Department of the Government, the head of the Department shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly unless he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a Department of the Government and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any officer, other than the head of the Department, such officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

56. Failure of officer in duty or his connivance at the contravention of the provisions of this Act.-Any officer, on whom any duty has been imposed by or under this Act and who ceases or refuses to perform or withdraws himself from the duties of his office shall, unless he has obtained the express written permission of his official superior or has other lawful excuse for so doing, be punishable with imprisonment for a term which may extend to one year or with fine.

57. Penalty for contravention of any order regarding requisitioning. If any person contravenes any order made under section 65, he shall be punishable with imprisonment for a term which may extend to one year or with fine or with both.

58. Offence by companies.-(1) Where an offence under this Act has been committed by a company or body corporate, every person who at the time the offence was committed, was in charge of, and was responsible to, the company, for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the contravention and shall be liable to be proceeded against and punished accordingly:

: Provided that nothing in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company, and it is proved that the offence was committed with the consent or connivance of or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other

officer shall also, be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation. For the purpose of this section.

(a) "company" means anybody corporate and includes a firm or other association of individuals; and

(b) "director", in relation to a firm, means a partner in the firm.

59. Previous sanction for prosecution.—No prosecution for offences punishable under sections 55 and 56 shall be instituted except with the previous sanction of the Central Government or the State Government, as the case may be, or of any officer authorized in this behalf, by general or special order, by such Government

60. Cognizance of offence—No court shall take cognizance of an offence under this Act except on a complaint made by—

(a) the National Authority, the State Authority, the Central Government, the State Government, the District Authority or any other authority or officer authorized in this behalf by that Authority or Government, as the case may be; or

(b) any person who has given notice of not less than thirty days in the manner prescribed, of the alleged offence and his intention to make a complaint to the National Authority, the State Authority, the Central Government, the State Government, the District Authority or any other authority or officer authorized as aforesaid.

B. Section 188 in the Indian Penal Code, 1860

188. Disobedience to order duly promulgated by public servant.—Whoever, knowing that, by an order promulgated by a public servant lawfully empowered to promulgate such order, he is directed to abstain from a certain act, or to take certain order with certain property in his possession or under his management, disobeys such direction, shall, if such disobedience causes or tends to cause obstruction, annoyance or injury, or risk of obstruction, annoyance or injury, to any person lawfully employed, be punished with simple imprisonment for a term which may extend to one month or with fine which may extend to two hundred rupees, or with both; and if such disobedience causes or trends to cause danger to human life, health or safety, or causes or tends to cause a riot or affray, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Explanation: It is not necessary that the offender should intend to produce harm, or contemplate his disobedience as likely to produce harm. It is sufficient that he knows of the order which he disobeys, and that his disobedience produces, or is likely to produce, harm.

Illustration: An order is promulgated by a public servant lawfully empowered to promulgate such order, directing that a religious procession shall not pass down a certain street. 'A' knowingly disobeys the order, and thereby causes danger of riot. 'A' has committed the offence defined in this section.

RAJEEV RANJAN
CHIEF SECRETARY TO GOVERNMENT

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 28/2/21

SECTION OFFICER